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12
13 IN THE UNITED STATES DISTRICT COURT
14 EASTERN DISTRICT OF CALIFORNIA

15 UNITED STATES OF AMERICA,

16 Plaintiff,

CASE NO. 2:25-CR-0151-DAD

17 v.
18 GONZALO HERNANDEZ,
19 aka GONZALO RUIZ,
20
21 Defendant.

STIPULATION AND [PROPOSED] PROTECTIVE
ORDER REGARDING DISCOVERY

22
23 STIPULATION

24 The discovery in this case contains information and statements about child victim(s) and child
25 witness(es), as those terms are defined in the Child Victims' and Child Witnesses' Rights Act ("the
26 Act"), 18 U.S.C. § 3509. Specifically, the Act defines a "child" as "a person who is under the age of 18,
27 who is or is alleged to be" either "a victim of a crime of physical abuse, sexual abuse, or exploitation" or
28 "a witness to a crime committed against another person." 18 U.S.C. § 3509(a)(2).

29 18 U.S.C. § 3771(a)(8) requires that a crime victim's dignity and privacy be respected, and the
30 Act, 18 U.S.C. § 3509, requires that certain measures be taken to protect child victims' and child
31 witnesses' privacy. Specifically, the Act provides under subsection (d) "Privacy Protection":

32 (1) Confidentiality of information.—

33 (A) A person acting in a capacity described in subparagraph (B) in connection with a

1 criminal proceeding shall--

- 2 (i) keep all documents that disclose the name or any other information
3 concerning a child in a secure place to which no person who does not have reason
4 to know their contents has access; and
5 (ii) disclose documents described in clause (i) or the information in them that
6 concerns a child only to persons who, by reason of their participation in the
7 proceeding, have reason to know such information.

8 (B) Subparagraph (A) applies to—

- 9 (i) all employees of the Government connected with the case, including
10 employees of the Department of Justice, any law enforcement agency involved in
11 the case, and any person hired by the Government to provide assistance in the
12 proceeding;
13 (ii) employees of the court;
14 (iii) the defendant and employees of the defendant, including the attorney for the
15 defendant and persons hired by the defendant or the attorney for the defendant to
16 provide assistance in the proceeding; and
17 (iv) members of the jury.

18 (2) Filing under seal.—All papers to be filed in court that disclose the name of or any other
19 information concerning a child shall be filed under seal without necessity of obtaining a court
20 order. The person who makes the filing shall submit to the clerk of the court—

- 21 (A) the complete paper to be kept under seal; and
22 (B) the paper with the portions of it that disclose the name of or other information
23 concerning a child redacted, to be placed in the public record.

24 The parties want to avoid the unauthorized disclosure of protected information and adequately
25 protect the privacy rights of all victims and child witnesses. This Court may enter protective orders
26 pursuant to Fed. R. Crim. P. 16(d), 18 U.S.C. §§ 3509(d)(3) and 3771(a), and its general supervisory
27 authority. Accordingly, Plaintiff United States of America, by and through its counsel of record, and
28 defendant GONZALO HERNANDEZ, by and through his counsel of record, hereby stipulate and agree,

1 and respectfully request that the Court order that:

2 1. This Stipulation and Order pertains to all discovery provided to or made available to
3 Defense Counsel that contains the name of or other identifying information of a victim or child witness
4 (hereafter, collectively known as “protected discovery”),¹ and is applicable beginning on the date this
5 Stipulation and Order is executed by the Court.

6 2. Defense counsel shall not disclose any of the protected discovery or its contents directly
7 or indirectly to any person other than their respective defendant/client, potential witnesses that they are
8 interviewing or preparing for trial, counsel for those witnesses, or anyone employed by defense counsel
9 (such as attorneys, paralegals, secretaries, experts, investigators, and law clerks) in connection with the
10 representation of the defendant in this criminal case.

11 3. The defendant may view the protected discovery in the presence of defense counsel
12 and/or defense investigator or paralegal, but may not retain a copy or otherwise disseminate the
13 contents.

14 4. The protected discovery and information therein may only be used in connection with the
15 litigation of this case and for no other purpose.

16 5. If there is a substitution of counsel prior to final disposition of the case, new counsel of
17 record must join this Protective Order before any protected discovery may be transferred from the
18 undersigned defense counsel to the new defense counsel. New defense counsel then will become
19 defense counsel for purposes of this Order, and become the custodian of the protected discovery, and
20 shall then become responsible, upon conclusion of appellate and post-conviction proceedings, for
21 complying with the provisions set forth in Paragraph 12 below. All defense counsel, whether current or
22 past counsel, are at all times subject to the Order and are not relieved by termination of representation or
23 conclusion of the prosecution.

24 6. Defense counsel will store the protected discovery in a secure place, such as a locked office,
25 and shall use reasonable care to ensure that it is not disclosed to third persons in violation of this agreement.
26 To the extent any of the protected discovery, or any copies or reproductions thereof, are stored electronically

27 28 ¹ Identifying information includes, but is not limited to, the victim’s name, date of birth, social security number, address, social media identifiers, phone number, the child’s relationship to defendant or any other relatives identified by name, address, etc. that could reveal the child’s identity.

1 the protected discovery shall be stored on a password-protected or encrypted storage medium or device.

2 Encryption keys shall be stored securely and not written on the storage media they unlock.

3 7. If defense counsel makes, or causes to be made, any further copies of any of the protected
4 discovery, defense counsel will ensure that the following or similar notation is affixed on each copy made, if
5 the confidentiality of the documents is otherwise not already present on the copied file(s) or hard copies:
6 “CONFIDENTIAL – May Not Be Disseminated Except in Accordance With Court Protective Order.”

7 8. If defense counsel releases custody of any of the protected discovery, or authorized copies
8 thereof, to any person described in Paragraph 2, defense counsel shall first provide such recipients with
9 copies of this Order and advise that person that an unauthorized use of the discovery may constitute a
10 violation of law and/or contempt of court. The parties agree that Defense Counsel, defense investigators and
11 support staff shall not allow the defendant or any witness to copy or otherwise retain the contents of the
12 protected discovery, except in the limited situations identified in this Stipulation and Order.

13 9. Defense counsel shall advise the government counsel of any subpoenas, document
14 requests or claims for access to the protected discovery by third parties if defense counsel is considering
15 disseminating any of the protected discovery to a third party in order that the government may take
16 action to resist or comply with such demands as it may deem appropriate.

17 10. Defense counsel shall be responsible for advising the defendant, or his/her client, his/her
18 employees and other members of the defense team, and defense witnesses of the contents of this
19 Stipulation and Order. Defense counsel shall not provide or make available to any person described in
20 Paragraph 2 the protected discovery until that individual has been provided a copy of this Order by
21 defense counsel.

22 11. If it becomes necessary to refer to an alleged victim or minor witness during any non-trial
23 public court proceeding or in a public court filing, the parties shall not use the actual name, initials, or
24 relationship to the defendant of the alleged victim or minor witness. Further, to prevent disclosure of the
25 victims’ identities, the parties shall not use or refer to the relationship to any other familial member of
26 the victim that is identified by name. The parties will use non-identifying terms such as “[alleged] CV
27 1,” “[alleged] Child Victim 1,” “[alleged] minor victim,” or “referenced minor” or “identified minor.”
28 Should this matter proceed to trial, the parties may seek a separate Court Order delineating how these

1 individuals will be addressed during trial proceedings.

2 12. Upon the latter of final disposition of the case, including exhaustion of direct and
3 collateral appellate proceedings, defense counsel shall return the protected discovery to the government,
4 or certify in writing that the protected discovery has been destroyed, unless the California Rules of
5 Professional Conduct, as interpreted by the State Bar of California, require Defense Counsel to retain the
6 material for a longer duration of time. The written certification need not be disclosed or produced to the
7 United States unless ordered by the Court.

8 13. Nothing in this Order shall preclude a party from seeking a more restrictive protective order
9 or other court order with regard to particular discovery items.

10 IT IS SO STIPULATED.

12 Dated: January 5, 2026

ERIC GRANT
United States Attorney

14 _____
15 /s/ SHELLEY D. WEGER
SHELLEY D. WEGER
Assistant United States Attorney

17 Dated: January 5, 2026

18 _____
19 /s/ RYAN A. ROTH
RYAN A. ROTH
Counsel for Defendant
Gonzalo Hernandez

21 **[PROPOSED] ORDER**

22 By agreement of the parties, and good cause appearing, the Court hereby adopts the stipulation
23 and the terms contained therein. IT IS ORDERED this 5th day of January, 2026.

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SEAN C. RIORDAN
UNITED STATES MAGISTRATE JUDGE